

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CRIMINAL DIVISION

UNITED STATES OF AMERICA,

CASE NO. 00-6040-CR-ZLOCH

Plaintiff,

vs.

DERRICK ANDERSON,

Defendants.

DEFENDANT'S MOTION TO CONTINUE

Defendant, DERRICK ANDERSON, by and through undersigned counsel, respectfully moves this Honorable Court for a continuance of the calendar call scheduled for April 7, 2000, at 9:00 a.m., with trial scheduled for April 10, 2000, and in support thereof would show:

1. Counsel recently received (3-20-00) the balance of the tapes. All discovery and tapes have just been provided to the Defendant, who remains in Federal custody.

2. Preparation of this case was delayed more than two (2) weeks because of a jail quarantine (chicken pox). The quarantine was imposed the day after counsel was retained to handle this matter. There was confusion between the initial attorneys that were assigned and/or retained to handle this matter unrelated to this attorney. This prevented counsel from gaining access to the Defendant for almost two (2) weeks because of Magistrate Seltzer's order prohibiting private counsel from meeting with the Defendant without being retained. Counsel had to wait for Magistrate Seltzer to allow him to visit the Defendant.

3. Counsel has had just over a week and a half of time to work with the Defendant.

4. Counsel will be out of the state between March 28, 2000, through April 3, 2000, for longstanding travel plans and will not be available during that time to work with the Defendant.

5. Counsel has a busy docket with a number of State criminal matters scheduled for trial in the next three (3) weeks, all of which require preparation and court appearances.

6. This is the first time the matter is before the Court for trial. The Defendant was arrested on February 4, 2000. The Defendant has been in custody for forty-seven (47) days (as of 3/23/00). This time will be excludable time while the Defendant is preparing the case for trial.

7. The Defendant's family lives in New York. He is eighteen (18) years old and has no criminal history. Everything counsel does necessitates counseling with the family because of the Defendant's age and reliance upon other family members to help him make decisions. A combination of the unavailability of the Defendant, coupled with the facts described above, have made it impossible to prepare this case for trial on such short notice.

8. Contact has been made with Assistant U.S. Attorney Terrence Thompson, who has no objection to the Defendant's request for a continuance.

9. Contact has also been made with Kenneth Hassett, Esq., attorney for Defendant Dairrel Worrell, who has indicated that he joins in the motion to continue. Mr. Hassett advised that he will be unavailable from May 1, 2000, through May 16, 2000,

as he will be out of the country.

10. Alvin Entin, Esquire, attorney for Defendant Richardo James, has indicated that he will not oppose the motion to continue.

11. The Court recently extended counsel's time to file motions through April 7, 2000.

12. This motion is presented in good faith and not interposed for delay.

WHEREFORE, Defendant, DERRICK ANDERSON, respectfully moves this Honorable Court for a continuance of the calendar call scheduled for April 7, 2000, at 9:00 a.m., with trial date scheduled for April 10, 2000.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was mailed this 24th day of March, 2000, to the UNITED STATES ATTORNEY'S OFFICE, 299 East Broward Boulevard, Fort Lauderdale, Florida; KENNETH P. HASSETT, ESQ., Hassett & Associates, P.A., Attorney for Defendant Dairiel Worrell, 201 Sevilla Avenue, Suite 202, Coral Gables, Florida 33134; and ALVIN ENTIN, ESQ., Entin & Margules, Attorney for Defendant Richardo James, 200 East Broward Boulevard, Suite 1210, Fort Lauderdale, Florida 33301.

TED CRESPI, P.A.
Attorney for Defendant
Prudential Plaza, Suite 218
1776 North Pine Island Road
Plantation, Florida 33322
Tele: (954) 475-7111
Fax: (954) 475-7211

By: _____

TED CRESPI, ESQUIRE
Florida Bar No. 437689